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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 10-0668 RS

Plaintiff.

V.

RANDALL WILLIAM CLARY,

Defendant.

No. CR 10-0668 RS

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME**

During the parties' appearance on February 8, 2011, the Court set March 15, 2011 as the next date for a further status conference. During that appearance, counsel requested that time between February 8th and March 15th be excluded from any time limits applicable under 18 U.S.C. § 3161, for the purpose of effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties agree that the ends of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the February 8th, hearing, the Court made findings consistent with that agreement.

STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME
CR 10-0668 RS

At the previous status hearing, on December 14, 2010, the parties requested that the time period between December 14, 2010 and February 8, 2011 be excluded from any time limits applicable under 18 U.S.C. § 3161, for the purpose of effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The Court made findings that time was properly excludable, but the Court requested a stipulation to memorialize those findings. However, no stipulation has been filed to this point. With this stipulation, the parties request that the time between December 14, 2010 and February 8, 2011 also be excluded from the calculations under 18 U.S.C. § 3161, for the reasons set forth at the December 14, 2010 status hearing – specifically, to enable effective preparation of counsel.

SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: February 10, 2011

/s/
KEVIN J. BARRY
Assistant United States Attorney

DATED: February 10, 2011

/s/
STEVEN KALAR
Attorney for RANDALL WILLIAM CLARY

[PROPOSED] ORDER

For the reasons stated above and at the February 8, 2011 hearing, the Court finds that exclusion from the time limits applicable under 18 U.S.C. § 3161 the period from February 8, 2011 through March 15, 2011 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure to grant the requested exclusion of time would deny counsel for the defendant and for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, resulting in a miscarriage of justice. 18 U.S.C.

1 §3161(h)(7)(B)(iv).

2 The Court also finds that exclusion from the time limits applicable under 18 U.S.C. §
3 3161 the period from December 14, 2010 through February 8, 2011 is warranted and that the
4 ends of justice served by the continuance outweigh the best interests of the public and the
5 defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure to grant the requested
6 exclusion of time would deny counsel for the defendant and for the government the reasonable
7 time necessary for effective preparation, taking into account the exercise of due diligence,
8 resulting in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

9 IT IS SO ORDERED.

10 DATED: 2/24/11


11 THE HONORABLE RICHARD D. SEEBORG
12 United States District Judge

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